

1 know. It wouldn't have made sense.

2 Q. So you are saying Dan Dayton told Pete to
3 terminate Sam?

4 A. Well, at least he didn't -- I would speculate
5 that at least he didn't want him on the job.

6 Q. But you were aware there were other projects Sam
7 would have went on?

8 MS. DiBIANCA: I object. That
9 mischaracterizes the prior testimony.

10 You can answer.

11 A. I suspect there were, but I didn't get involved
12 with staffing and destaffing of other projects.

13 Q. Do you know in February of 2003 that you were
14 told that there were going to be additional slots open on
15 the DTT project?

16 MS. DiBIANCA: I'll state the same objection
17 to the extent it mischaracterizes prior testimony.

18 MR. ANGLADE: I said do you know.

19 MS. DiBIANCA: I'm sorry. Pardon me.

20 BY MR. ANGLADE:

21 Q. Were you aware that there were going to be more
22 opportunities to add more process department employees on
23 the DTT project in or about February of 2003?

24 A. I don't remember when I was told or -- I don't



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1 Q. How many times has that happened?

2 A. That's frequent, but not -- this is not related
3 to the DTT work, but other projects, someone else
4 frequently comes up with the budget and I -- frequently
5 I'm just a part of the team and so I'm not involved in
6 the budget.

7 Q. How about if you were the sole process engineer
8 on the project?

9 A. Then I would expect to be and believe I have been
10 involved with the budget.

11 Q. Have there been any times when you were the sole
12 process engineer on a new project where you were not
13 consulted about the budget before it was developed?

14 A. I don't believe so.

15 Q. Do you know if the company sometimes underbudgets
16 when they have a new project from a new client to ensure
17 that they will have repeat work from the client?

18 A. I don't know about that.

19 Q. Have you ever observed the company underbudget
20 when they have a new client because they want to ensure
21 that they have repeat business from the client?

22 A. I haven't seen that either way.

23 Q. Do you know what the Inroads Program is?

24 A. No.

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1 relief device calculations, although he doesn't want to
2 train each person individually.

3 Q. Your answer is finished?

4 A. Yes.

5 Q. You would need to be aware of all those
6 possibilities from someone, right, who had knowledge of
7 them?

8 A. Yes.

9 Q. Is that correct?

10 A. Yes.

11 Q. Is there any difference between being an BE&K
12 employee as opposed to Allstate's employee?

13 A. There are some as far as benefits I'd say.

14 Q. Do you know if you have better benefits as a BE&K
15 employee as opposed to an Allstates employee?

16 A. Yes.

17 Q. How is it better to be a BE&K employee?

18 A. BE&K offers profit sharing, which Allstates
19 doesn't. And BE&K also gives us sick leave and that is
20 all the difference I can think of now.

21 Q. Are Allstates employees contract employees or
22 salaried?

23 A. Contract.

24 Q. So meaning once the contract is finished, there's



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1 no guarantee that there will be another contract for you?

2 A. Yes.

3 Q. Are BE&K employees contract employees or salaried
4 employees?

5 A. Salaried.

6 Q. What's the difference between being a salaried
7 employee as opposed to a contract employee?

8 A. As far as it impacts me, that was about -- the
9 two cases that I gave was about it. And that's all I can
10 think of now.

11 Q. I know. But as a BE&K employee, if a project you
12 are working on comes to an end, that doesn't necessarily
13 mean that you are going to be terminated by the company.
14 Is that correct?

15 A. That's right.

16 Q. Would you say an Allstates employee basically
17 works from contract to contract?

18 A. No. There are Allstates people who have been
19 there for years and years and have worked on a number of
20 projects and they don't get laid off each time a project
21 ends.

22 Q. But you don't have guaranteed employment as an
23 Allstates employee once your project ends?

24 A. Yes. That's right.

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1 that he was hired in April 2003 or May even 2003, and
2 Obed was, Mr. Perez was laid off in November 2003, would
3 there be any significance to the time frame there to you,
4 between April, May, decision --

5 A. Well --

6 MR. ANGLADE: Object to the form, leading.
7 You can answer.

8 A. Well, there is a significant difference in time.

9 Q. Would you say that Mr. Guttridge is, I don't want
10 to use a legal phrase, but is he -- would you say that
11 his role with BE&K is similar to the role that Obed Perez
12 had? Are they comparable individuals?

13 MR. ANGLADE: Object to the form, vague.
14 You can answer.

15 Q. That is vague. I'd like to rephrase it, but if
16 you can answer I'll let you.

17 A. Until he became the lead on the job he -- and if
18 Obed had worked on the job or when Obed worked on the
19 job, I guess you would say that their responsibilities
20 would be similar.

21 Q. How about the difference between their experience
22 levels? I'm talking about now in the time frame of
23 November 2003 when Mr. Perez was laid off, would you say
24 that they were comparable in experience level s?



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1 A. Bob Wunder. He's a very good engineer. He was
2 just illy-suited for this particular role. And they
3 assigned him other work.

4 Q. Anyone else?

5 A. I think that's all that I can recall. They had
6 one engineer that they terminated, and I can't recall
7 his name.

8 MR. ANGLADE: From which project did you
9 ask Mr. Wunder to be removed?

10 THE WITNESS: This was on the equipment
11 documentation. Mr. Wunder was not finishing any work,
12 and spending lot of hours, and, finally, I went and
13 talked to Mr. Trexler and said, look, we either got
14 him to get work finished or we need to replace him.

15 BY MS. DiBIANCA:

16 Q. So when he doesn't finish work, that in turn
17 cost DuPont extra?

18 A. Yes. Oh, yes. I pay by the hour.

19 Q. As to Bob Wunder, was your decision to have him
20 removed based on age in any way?

21 A. No.

22 Q. How about for Nasim Hassan, was your decision
23 to have him removed --

24 A. No.

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1 engineering work adequately.

2 Q. Was there anything good about Mr. Perez's
3 performance you could say?

4 A. I have a hard time describing anything at this
5 point because his work was very narrow over a certain
6 area, and he did very poorly in it.

7 Q. The equipment documentation project, they were
8 solely doing relief device work?

9 A. Yes, that's correct.

10 Q. Other than Mr. Perez, are there any other BE&K
11 process engineers you've asked to be pulled off your
12 projects?

13 MS. DiBIANCA: I object. I believe that
14 was really clearly asked and answered already. Go
15 ahead.

16 BY MR. ANGLADE:

17 Q. Other than what you have already testified to.
18 I remember you said Nasim Hassan?

19 A. There was one other a few years prior on a
20 project for our New Johnsonville, Tennessee plant, an
21 engineer by the name of Mike Tweed.

22 Q. Do you know what year this was?

23 A. I am a little bit guessing, but it would seem
24 to me to be 1999 or around there.

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1 Q. Do you know what the purpose of that project
2 was?

3 MR. GRIFFITHS: I object on relevancy. You
4 can answer.

5 Q. You can answer.

6 A. It was -- his portion of that project was to do
7 some relief calculations on a new facility that we had
8 that was not designed correctly.

9 Q. Why did you have him pulled off the project?

10 MR. GRIFFITHS: Objection. My client can't
11 have a contractor removed. He can make suggestions to
12 his employer.

13 Q. Whether a recommendation --

14 MR. GRIFFITHS: He doesn't do it.

15 MR. ANGLADE: Yeah.

16 MR. GRIFFITHS: All right.

17 THE WITNESS: He was failing to get his
18 work completed, and it was impacting the schedule of
19 the project.

20 BY MR. ANGLADE:

21 Q. This was a DuPont project. Correct?

22 A. Yes.

23 Q. Now, has Tweed since worked on any other DuPont
24 projects?

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1 half, four-year period?

2 Q. Yes.

3 A. I would say, probably between 20 and 30.

4 Q. Were any of them for performance reasons?

5 A. No.

6 Q. Were they all for layoffs?

7 A. They were all for lack of work.

8 Q. You never had to terminate anybody for
9 performance while a department manager at E and I?

10 A. No.

11 Q. It was all for lack of work?

12 A. Right.

13 Q. Do you recall if any of the people you had to
14 let go for lack of work while you were department
15 manager of E and I were under the age of 40?

16 A. I'd have a hard time -- I never asked anybody
17 what their age was. When we opened the office up, the
18 majority of the people that we hired were senior level
19 people that were available in the marketplace. There
20 was no way to mentor people or no training. They were
21 people that had to hit the ground running. So most of
22 them would be experienced senior level people. But
23 there were people, I would say, that were middle age.
24 But I never asked anybody their age or was concerned



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1 putting the office together. There was not very much
2 opportunity to bring somebody in and train them. So
3 most of the people that we were hiring were people
4 that had to hit the ground running, as I mentioned.

5 Q. What do you mean you were putting the office
6 together? Was it a new department?

7 A. It was a new company in the area. There was
8 nothing there. We had to build everything up from
9 scratch.

10 Q. The department or BE&K?

11 A. BE&K.

12 Q. So you are saying BE&K started in Delaware in
13 2000?

14 A. Yes. Or the end of '99. I am not sure.

15 Q. It wasn't here -- they had no locations before
16 that period?

17 A. No.

18 Q. Are you sure they had no sites in Delaware,
19 BE&K?

20 A. No. They did not have any sites in Delaware
21 that I was aware of.

22 Q. That you were aware of. Okay. Is that just
23 based on your knowledge or do you know for certain
24 that BE&K didn't have any offices in Delaware prior to



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1 2000?

2 A. I would say that's pretty certain.

3 Q. All right. I'll submit to you that there has
4 been documentation to show Obed Perez worked for BE&K
5 in 1993, I believe in Delaware. Do you know how that
6 would be possible?

7 A. Can I see the document? Do you have the
8 documentation?

9 Q. I think I do. Here. I'll show you, for
10 example, this was marked as Perez 1 during Mr. Perez's
11 deposition. It's a letter --

12 A. I am getting fouled up with my -- I might be
13 off the beat. I think I am off ten years with what I
14 am saying. This is what happens when you retire. I
15 have to apologize. That 2000 that we're talking is
16 really 1990.

17 Q. 1990. Okay.

18 A. This is 1990.

19 Q. Okay, okay.

20 A. It's a crazy, crazy thing. So I am very sorry
21 about that. I don't know how I went down that track.
22 I am thinking. This is 2006, you know. This is like
23 a --

24 Q. Okay. So you were the E and I department



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1 he became the process engineer department manager in
2 or about 1999. At the time he became the process
3 department manager, was there a concern that there
4 could be lack of work at the Newark, Delaware facility
5 for the other engineers?

6 A. I don't know specifically at that time. But I
7 could say there was always a concern. There is always
8 a concern for work.

9 Q. In the '90s, how was the company doing as far
10 as work coming in?

11 A. It was very cyclical. It's a very cyclical
12 business. When Pete Howe became the process manager,
13 I think it was still that kind of turmoil. It's the
14 nature of the business. It's a feast-or-famine-type
15 of a business.

16 Q. While he was the process department manager,
17 was there more of a concern that there would be lack
18 of work coming in for the company?

19 MS. DiBIANCA: I'll object to the extent it
20 requires speculation. But you can go ahead and
21 answer.

22 A. Yeah. I'm not -- can I ask you: On that
23 question, can you clarify? Are you saying after he
24 became process manager --

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1 Q. Yes.

2 A. -- was the work more difficult or were there
3 changes or --

4 Q. What I am trying to get at is: Were there ever
5 any conversations between you and him or other
6 department managers that there was a concern that
7 there would be lack of projects for the employees to
8 work on?

9 A. Always. We were always discussing that type of
10 thing.

11 Q. Were you ever concerned that you may have to
12 lay off some of your employees because there would be
13 lack of work?

14 A. Yes.

15 Q. Typically, would you meet with the department
16 managers to discuss what was happening in their
17 departments?

18 A. Yes.

19 Q. How often would you meet with them?

20 A. Once a week.

21 Q. So you would have weekly meetings?

22 A. Weekly meetings.

23 Q. Would you be the one running the meeting?

24 A. Yes.

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1 The only thing that I could see here that
2 might -- that we discussed was whether Obed was --
3 Mr. Perez was eligible for rehire. And if I recall,
4 he was. So when he was laid off, he was told that he
5 was eligible for rehire, keep in touch, typically, is
6 what would do. I am sure he got severance pay.
7 Whatever else. There is outplacement effort. And
8 that confirms that. So Pete did tell him, you know,
9 keep in touch with us, I am sure. Workload picks up,
10 whatever. He was not laid off because of poor
11 performance.

12 Q. That's what Pete Howe told you, he wasn't laid
13 off because of poor performance?

14 A. Well, that's what this also tells me. And I
15 think he was laid off because of lack of work.

16 Q. Were you ever told by Pete Howe that he had
17 poor performance?

18 A. What I could recall about Mr. Perez is you
19 can't label it as poor performance because if he got
20 into work -- got work that he was fit for, good fit,
21 he performed well in that. He was a little bit
22 limited in what he could do primarily around
23 leadership skills, leadership, self-management-type
24 skills, which were becoming much more important.

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1 background, they did ask for him to work through -- he
2 was working for us at the time -- to assign him
3 directly to that client for a period of time.

4 Q. Were you aware if Mr. Perez always got a raise
5 every year while he worked for BE&K?

6 A. No reason he shouldn't.

7 Q. Are there any times when a BE&K employee will
8 not get a raise?

9 A. Yeah.

10 Q. When would those times be?

11 A. They got a performance rating below, I think it
12 was a C at the time. And it would be, essentially,
13 like on a probation, performance probation. And that
14 occasionally did happen. And then there were periods
15 also in the office where nobody got a raise.

16 Q. When Mr. Howe was talking to you about laying
17 off Mr. Perez, did he ever say to you that the
18 decision had to do with Mr. Perez's performance?

19 A. I don't recall that he did.

20 Q. Do you know what INROADS is?

21 A. Yes.

22 Q. What is INROADS?

23 A. INROADS is a national organization that works
24 with talented and gifted minorities coming out of high



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1 Q. Do you know who Dan Dayton is?

2 A. Yes.

3 Q. Do you recall if you had any conversations with
4 Dan Dayton about Obed Perez?

5 A. No, I didn't.

6 Q. Are you aware if anybody has ever alleged BE&K
7 practiced age discrimination besides Obed Perez?

8 A. No.

9 Q. That also includes any internal complaints of
10 age discrimination?

11 A. Yeah. No, I never had any ...

12 Q. Do you know what Allstates is?

13 A. Yes.

14 Q. What is Allstates?

15 A. Allstates is a contract agency.

16 Q. What is the relationship between Allstates and
17 BE&K?

18 A. It's a contract agency that BE&K uses as we
19 have or we had -- I'm talking like I'm still working
20 there -- we had an evergreen contract with Allstates
21 where we used them to fill positions that,
22 essentially, could be temporary positions.

23 Q. So do you hire these people as temporary
24 workers at BE&K?

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1 positions are filled. And we give the Allstates
2 people a description of what we're trying to fill,
3 what the duration is.

4 From BE&K's standpoint, the positions had
5 to be a hundred percent reimbursable. All right? So
6 they fill those positions. So the marketplace --
7 people send resumes in. They have a marketplace.
8 It's a network of people that are getting laid off
9 from companies and coming back into those companies.
10 And they're available through Allstates. And they
11 have come back, people that were direct employees,
12 have come back through Allstates through temporary
13 assignments or whatever, if they were acceptable
14 employees.

15 But I don't know the -- I am pretty sure
16 that the benefits are very limited, all contract
17 agencies. They make up for it, typically, in their
18 W-2.

19 Q. Are there any other differences besides what
20 you've already told me?

21 A. In what respect?

22 Q. For example, you told me -- you said you are
23 sure the benefits are limited. I am just asking is
24 there anything else that --

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AT222
RUN DATE:6/12/2006

TIME SHEET DATA BY CONTRACT AND DATE

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RUN TIME:11:00:42 AM
Charge Date From 6/1/2003 to 12/31/2004
Entry Date From 6/1/2003 to 12/31/2004

THIS REPORT REFLECTS RECORDS COLLECTED BY THIS SYSTEM ONLY
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2340	Y J Lin	500	12/19/2003	1/2/2004		41	E510/HO		N				10 00
500 - BE&K Engineering Co													
2340	Y J Lin	500	12/19/2003	1/2/2004		63	E510/HO		N				30 00
500 - BE&K Engineering Co													
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5040612 - Flare Network Modeling													
2340	Y J Lin	5040612	1/16/2004	1/16/2004	561	1	E510/HO		R	40 00			
5040612 - Flare Network Modeling													
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5040612 - Flare Network Modeling													
2340	Y J Lin	504561	2/6/2004	2/6/2004		1	E510/HO		N	27 00			
504561 - Process													
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5040612 - Flare Network Modeling													
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5040612 - Flare Network Modeling													
2340	Y J Lin	5040650	3/5/2004	3/5/2004	561	1	E510/HO		R	5 00			
5040650 - Red Lion Acid Plant FEL													
2340	Y J Lin	5040667	3/19/2004	3/5/2004	561	1	E510/HO		R	5 00			
5040667 - MSCC Intermediate Blower Expan													
2340	Y J Lin	504561	3/5/2004	3/5/2004		1	E510/HO		N	30 00			
504561 - Process													
2340	Y J Lin	504P0173	3/19/2004	3/5/2004		1	E510/HO		N	-5 00			
504P0173 - FCC Capacity Upgrade													
2340	Y J Lin	504P0173	3/5/2004	3/5/2004		1	E510/HO		N	5 00			
504P0173 - FCC Capacity Upgrade													
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5040635 - PD Eng Serv for Project Blue													
2340	Y J Lin	5040635	3/26/2004	3/26/2004	561	1	E510/HO		R	40 00			
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5040635 - PD Eng Serv for Project Blue													

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AT222
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TIME SHEET DATA BY CONTRACT AND DATE

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Entry Date From 6/1/2003 to 12/31/2004

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DZB4T007 - Relief Devices 3Q04 Johnsonvii													
15158	P Nguyen	DKB4T020	12/31/2004	12/31/2004	561	501	ES11/HO		R	15.00			
DKB4T020 - Design Basis 3Q04 Kuan Yin													
15158	P Nguyen	DKB4T022	12/31/2004	12/31/2004	561	501	ES11/HO		R	10.00			
DKB4T022 - Kuan Yin - 4thQ Basis													
15158	P Nguyen	DNB3T009	12/31/2004	12/31/2004	561	501	ES11/HO		R	6.00			
DNB3T009 - NJ Bins Relief Scope Developme													
Emp. subtotal										1,698.00			
126312	A.J Gerwig	5040683	7/16/2004	7/9/2004	561	501	ES41/HO	20	R	2.00			
5040683 - ERS Data & Documentation													
126312	A J Gerwig	DZB3T002	7/16/2004	7/9/2004	561	501	ES41/HO		R	10.00			
DZB3T002 - Dtt Relief Device Resolution T													
126312	A J Gerwig	DZB3T002	7/23/2004	7/23/2004	561	501	ES41/HO		R	12.00			
DZB3T002 - Dtt Relief Device Resolution T													
126312	A.J Gerwig	DZB3T002	7/30/2004	7/30/2004	561	501	ES41/HO		R	24.00			
DZB3T002 - Dtt Relief Device Resolution T													
126312	A J Gerwig	DZB3T002	8/6/2004	8/6/2004	561	501	ES41/HO		R	14.00			
DZB3T002 - Dtt Relief Device Resolution T													
126312	A J Gerwig	DZB3T002	8/27/2004	8/20/2004	561	501	ES11/HO		R	4.00			
DZB3T002 - Dtt Relief Device Resolution T													
126312	A J Gerwig	DEA4T004	9/17/2004	8/27/2004	561	501	ES11/HO		R	7.00			
DEA4T004 - Edge Moor Relief Devices 3Q04													
126312	A.J Gerwig	DKB4T020	8/27/2004	8/27/2004	561	501	ES11/HO		R	7.00			
DKB4T020 - Design Basis 3Q04 Kuan Yin													
126312	A.J.Gerwig	DKB4T020	9/17/2004	8/27/2004	561	501	ES11/HO		R	-7.00			
DKB4T020 - Design Basis 3Q04 Kuan Yin													
126312	A J Gerwig	DZB3T002	8/27/2004	8/27/2004	561	501	ES11/HO		R	5.00			
DZB3T002 - Dtt Relief Device Resolution T													
126312	A J Gerwig	DEA4T004	9/17/2004	9/3/2004	561	501	ES11/HO		R	18.00			
DEA4T004 - Edge Moor Relief Devices 3Q04													
126312	A J Gerwig	DKB4T020	9/17/2004	9/3/2004	561	501	ES11/HO		R	-18.00			
DKB4T020 - Design Basis 3Q04 Kuan Yin													
126312	A J Gerwig	DKB4T020	8/27/2004	9/3/2004	561	501	ES11/HO		R	18.00			
DKB4T020 - Design Basis 3Q04 Kuan Yin													
126312	A J Gerwig	DZB3T002	8/27/2004	9/3/2004	561	501	ES11/HO		R	6.00			
DZB3T002 - Dtt Relief Device Resolution T													
126312	A.J.Gerwig	DEA4T004	9/17/2004	9/10/2004	561	501	ES11/HO		R	9.00			
DEA4T004 - Edge Moor Relief Devices 3Q04													
126312	A J.Gerwig	DKB4T020	9/17/2004	9/10/2004	561	501	ES11/HO		R	-9.00			
DKB4T020 - Design Basis 3Q04 Kuan Yin													
126312	A J Gerwig	DKB4T020	9/10/2004	9/10/2004	561	501	ES11/HO		R	9.00			
DKB4T020 - Design Basis 3Q04 Kuan Yin													

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AT222
RUN DATE:6/12/2006

TIME SHEET DATA BY CONTRACT AND DATE

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RUN TIME:11:01:18 AM
Charge Date From 6/1/2003 to 12/31/2004
Entry Date From 6/1/2003 to 12/31/2004

THIS REPORT REFLECTS RECORDS COLLECTED BY THIS SYSTEM ONLY
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Badges	Name	Charge Code	Entry Date	Chg Date	Subsidiary Cost Code	Pay Type	Job Code	Work Code	R/N	Reg.	O T.	Prem.	Dth
126312	A.J.Gerwig	DEA4T004	12/24/2004	12/24/2004	561	501	E511/HO		R	14.00			
DEA4T004 - Edge Moor Relief Devices 3Q04													
Emp. subtotal											367.00		
126350	R C.RobbinsII	DCS4T001	7/16/2004	7/9/2004	553	501	E507/HO		R	31.00			
DCS4T001 - FPD Project													
126350	R C.RobbinsII	DCS4T001	7/16/2004	7/9/2004	561	501	E507/HO		R	31.00			
DCS4T001 - FPD Project													
126350	R C.RobbinsII	DCS4T001	7/16/2004	7/16/2004	561	501	E507/HO		R	40.00			
DCS4T001 - FPD Project													
126350	R C.RobbinsII	DCS4T001	7/23/2004	7/23/2004	561	501	E507/HO		R	40.00			
DCS4T001 - FPD Project													
126350	R C.RobbinsII	DCS4T002	7/30/2004	7/30/2004	561	503	E507/HO		R		3.75		
DCS4T002 - FP/D project													
126350	R C.RobbinsII	DCS4T002	7/30/2004	7/30/2004	561	501	E507/HO		R	40.00			
DCS4T002 - FP/D project													
126350	R C.RobbinsII	DCS4T002	7/30/2004	7/30/2004	561	502	E507/HO		R		7.50		
DCS4T002 - FP/D project													
126350	R C.RobbinsII	DCS4T002	8/6/2004	8/6/2004	561	501	E507/HO		R	40.00			
DCS4T002 - FP/D project													
126350	R C.RobbinsII	DCS4T002	8/13/2004	8/13/2004	561	501	E507/HO		R	40.00			
DCS4T002 - FP/D project													
126350	R C.RobbinsII	DCS4T002	8/20/2004	8/20/2004	561	501	E507/HO		R	40.00			
DCS4T002 - FP/D project													
126350	R C.RobbinsII	DCS4T002	8/27/2004	8/27/2004	561	501	E507/HO		R	40.00			
DCS4T002 - FP/D project													
126350	R C.RobbinsII	DCS4T002	9/3/2004	9/3/2004	561	501	E507/HO		R	40.00			
DCS4T002 - FP/D project													
126350	R C.RobbinsII	DCS4T002	9/10/2004	9/10/2004	561	501	E507/HO		R	31.00			
DCS4T002 - FP/D project													
126350	R C.RobbinsII	DCS4T002	9/17/2004	9/17/2004	561	501	E507/HO		R	40.00			
DCS4T002 - FP/D project													
126350	R C.RobbinsII	DCS4T002	9/24/2004	9/24/2004	561	501	E507/HO		R	40.00			
DCS4T002 - FP/D project													
126350	R C.RobbinsII	DCS4T002	10/1/2004	10/1/2004	561	501	E507/HO		R	40.00			
DCS4T002 - FP/D project													
126350	R C.RobbinsII	DCS4T002	10/8/2004	10/8/2004	561	501	E507/HO		R	40.00			
DCS4T002 - FP/D project													
126350	R C.RobbinsII	DCS4T002	10/15/2004	10/15/2004	561	501	E507/HO		R	40.00			
DCS4T002 - FP/D project													
126350	R C.RobbinsII	DCS4T002	10/22/2004	10/22/2004	561	501	E507/HO		R	40.00			
DCS4T002 - FP/D project													
126350	R C.RobbinsII	DCS4T002	10/29/2004	10/29/2004	561	501	E507/HO		R	40.00			
DCS4T002 - FP/D project													

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http://etime.bek.com/Report_ContractSummaryFrame1.asp?remove=LTG&page=Report_... 6/12/2006

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1 Q. So you worked on projects with him?

2 A. Yes.

3 Q. Do you recall how many projects approximately?

4 A. I only recall that one project that Obed worked
5 on and it was just one project that he and I worked on
6 together.

7 Q. Do you recall what project that was?

8 A. Yeah. It was the Corpus Christi F60
9 manufacturing facilities project for DuPont.

10 Q. What type of project was that?

11 A. They were -- it was a new facility going within
12 an existing plant to make a new refrigerant.

13 Q. And what type of engineers were working on this
14 project?

15 A. All kinds, process engineers, mechanical
16 engineers, electrical instrument engineers. The full
17 scope of folks.

18 Q. Were you and Mr. Perez doing the same thing on
19 this project?

20 A. We, essentially, had equivalent -- we were,
21 essentially, the same type of role on the project.

22 Q. What were you doing?

23 A. We were both what we called area leads. It was
24 a big enough project that you kind of had to break it

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1 down into little parts to work on it. So I was area
2 lead for F60 distillation and Obed was area lead for
3 environmental area.

4 Q. Did you observe his performance on this
5 project?

6 A. Not closely. Because we had separate areas, so
7 he had his own responsibilities; I had mine. So we
8 had some interaction, but for the most part, we were
9 working on different sections of the plant.

10 Q. Do you know how he performed on that project?

11 A. In terms of -- I do know that the DuPont team
12 was very dissatisfied with how that particular package
13 came out in terms of both the quality of the design
14 and the timeliness of the design.

15 Q. Because of the quality of the design and the
16 timeliness of the design?

17 A. Timeliness of the design, yeah.

18 Q. How do you know that?

19 A. Because there were e-mails to the effect from
20 the client about raising a fuss. There may have been
21 meetings and such like that.

22 Q. Do you know who the client was?

23 A. Yeah. It was DuPont, and the DuPont -- the
24 primary DuPont liaison for that work. His name was



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1 A. That's right.

2 Q. Is there any other reason why you said to Pete
3 Howe he was reasonably capable?

4 A. No. That was pretty much it.

5 Q. Now, you said you told Pete Howe that he was
6 not a lead type of engineer?

7 A. Mm-hmm.

8 Q. Do you recall that?

9 A. Yes.

10 Q. What did you mean by that?

11 A. That given his, you know -- there was
12 reasonable doubt about his capabilities to lead
13 projects based on the poor outcome of his package for
14 the Corpus Christi project.

15 Q. What do you mean?

16 A. Exactly that, that, you know, that if there is
17 a poor outcome on a package, more than likely everyone
18 involved in that package had some contributing role in
19 the poor performance, so.

20 Q. Now, you also said that there may have been
21 some other circumstances as to why he didn't perform
22 well in that project?

23 A. I did say that.

24 Q. What was the word you used?

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1 A. Extenuating circumstances.

2 Q. What did you mean by that?

3 A. I meant a couple things. One, in terms of --
4 sometimes if the client personnel aren't real
5 responsive, it's difficult to do well, you know. In
6 doing a project, you are dependent on getting the
7 information from the client. And if the client
8 personnel are not good about getting that information
9 to you, then you will have difficulty doing the
10 design. So I thought that could have been a factor.
11 And also, Obed actually cast a lot of blame on the
12 designer on that work. Bill Robinson said that he was
13 a big part of the problem why things didn't go as
14 well.

15 Q. Any other factors?

16 A. No. Those would be it.

17 Q. Now, you said sometimes the client personnel
18 are not responsive if they do not get all the
19 information to the engineers.

20 A. Yeah.

21 Q. Did you observe that with respect to the Corpus
22 Christi project?

23 A. I was not real close to his package in terms of
24 I suspect that -- no. I guess I wasn't close enough



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1 to it to know that for a fact.

2 Q. But why did you make that point? Did you make
3 this point to Howe or are you just telling me this now
4 for the first time? Do you understand?

5 A. Yeah, yeah, I told that to Pete. I told -- I
6 mentioned to him that perhaps the client had part of
7 the blame in the poor outcome.

8 Q. Why did you say that to him? What's your basis
9 for saying that to him?

10 A. You know, in terms of the interaction I did
11 have with Obed on the earlier project, he did kind of
12 indicate that he was still waiting for answers from
13 the client on this, that and the other, and that was a
14 reason that perhaps the piping and instrument diagrams
15 were incomplete, that type of thing, so. There was
16 enough hearsay to understand that perhaps the client
17 wasn't as timely at getting information to Obed as
18 what would be hoped.

19 Q. Was that based on what Mr. Perez told you?

20 A. Yeah.

21 Q. Did anyone else tell you that besides him?

22 A. No, I don't think so.

23 Q. Did you have that experience working on the
24 other side of that project that you weren't getting

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